

1891-016 Chancery Causes. D. S. Reasor vs. E. S. Wax  
Lee Co.

CA-Debt  
T-Property

\$240. To

our

and j

for va

all cla

note is g

hands an

Attest

James.



To The Honorable H. S. K. Morrison, Judge  
of the Circuit Court of Lee County, Va.

Humbly complaining your orator  
S. S. Reesor, would respectfully represent  
unto your honor that on or about the  
17<sup>th</sup> day of August, 1882 he sold a tract  
or parcel of Land situate and being in  
Lee County, Va., on the waters of Bailey's  
Trace to one F. B. Jesse for \$240;  
That <sup>said</sup> Jesse with one C. A. Jesse <sup>as his surety</sup> in pay-  
ment of said land, made and executed to your  
orator this joint and several note for \$240.<sup>00</sup>,  
due three years after its date, to wit: on  
The 17<sup>th</sup> day of August, 1882. Said note  
is here filed and marked "A".

Your orator would further show your  
honor that at the time of said sale of said  
land to said F. B. Jesse, he executed to  
him his title bond for said land, in  
which title bond your orator bound him-  
self to make or cause to be made to  
said Jesse or his assigns a deed to said  
land whenever said purchase money  
should be paid.

Your orator would also show your  
honor that some time after his said  
sale of said <sup>land</sup> to said Jesse, the said Jesse  
exchanged the same with one Elias S. Hax  
and assigned his said title bond over to  
said Hax, and that said Hax in pur-  
suance of said exchange entered upon  
and took possession of the same and is  
still possessing it.



1 Your Orator would further show your  
2 honor that, sometime in the year 1887 and  
3 after he had took possession of said land  
4 in pursuance of said exchange of land with  
5 said Jesse, he, the said Max, came to your  
6 orator and assumed and agreed to pay  
7 said sum of \$240 Together with such  
8 interest as might have accrued upon  
9 it from the 12 day of August, 1885, in  
10 consideration of your orator making him  
11 a deed to the same. Upon this applica-  
12 tion & agreement of said Max, your orator  
13 avers he did make and deliver to him  
14 a deed to said land, properly signed &  
15 acknowledged by your orator and <sup>this</sup> wife,  
16 and in which deed your orator reserved  
17 to himself his vendor's lien until said  
18 sum of \$240 and its interest should be  
19 paid. The said Max has not as yet had  
20 said deed recorded, so your orator is  
21 unable to file a copy of the same here-  
22 in as an exhibit.

23 Your Orator would further repre-  
24 sent unto your honor, <sup>and avers</sup> that said  
25 Max nor any one else has paid him  
26 said sum of money or any part there-  
27 of, but that said sum is still due  
28 and unpaid.

29 The premises considered, and your  
30 orator's ~~being~~ only remedy being in a  
31 court of Chancery the object of this  
32 bill is to have his vendor's lien en-  
33 forced and the land aforesaid re-



posed for sale for the satisfaction of  
his said debt. And to that end, he  
humbly prays that Elias S. Hax be  
made a party defendant to this bill  
of Complaint; that <sup>he</sup> be required to an-  
swer its several allegations upon his  
oath as particularly as if specially  
interrogated thereto; and that at the  
hearing of this cause a decree be pro-  
nounced therein giving your orator judg-  
ment for said sum of \$240 with legal  
interest thereon from the 12<sup>th</sup> day of Aug.  
& costs of this suit-  
1855 till paid, and that the said land be  
sold if said sum interest and costs of  
this suit be not paid within a reasonable  
time thereafter. And your orator also  
prays for such other, further and gen-  
eral relief as may be adapted to the  
nature of his cause and agreeable to eq-  
uity and good conscience. May pro-  
cess issue &c. And your orator will  
ever pray &c

E. H. Remington  
C. J



7.80  
 50  
 15.00  
 Estimate 3.00

Com. 14.41

\$ 40.71

vs. In Chancery  
 1

E. S. Young

1888 1st Apr. Rules Bill  
 filed Sp. Act. to D. W.

2d Apr. Rules D. W.  
 continued to court

1889 Sept. Deane & Co. et al.

" Dec. continued

1890 April & Sept. Ind. &

" Dec. Decree final

1891 March re-opening

Decree & again

Execution from Dec.



D.S. Reason complt.

or

E.S. May deft.

} Dr Chaney

On motion of the  
def't. in this cause, it  
is ordered that he be per-  
mitted to withdraw from  
the files of this cause ex-  
hibit-A, or the note  
signed by A. B. & C. A. J. J. J.  
but before doing so the  
clerk of this court will  
make a certified copy  
of the same and file in  
the cause



S. I. Reason

no { order

E. S. Hoar

Entered in Chcy O.B.  
P. 328. April 2 1891.  
J. A. G. Hyatt

Enter this  
April 2 1891  
H. S. K. M.



1 D. S. Reason complete

2 vs.

3 E. S. May debt

In Chancery

4 This cause came on again  
5 this day to be heard upon the papers formerly  
6 by read therein and the report of Court  
7 Primmington and his deed to said May.  
8 and there being no exceptions to said  
9 report and deed, it is adjudged, ordered  
10 and decreed that said report and deed  
11 be and is hereby confirmed. And the  
12 clerk of this court will deliver said  
13 deed to said May. And this cause  
14 is stricken from the docket.  
15



vs. { Orem final

E.S. Hay

Entered Chauncy

O.B. Page 298,

Decr 2, 1890.

L.A.B. Hyatt C.

enter this

Dec - 2 1890

W.S. Hyatt



D. S. Reason Compt'r.

vs

E. S. H. Deft'r.

} In Chancery.

This cause came on again this day to be heard upon the papers formerly read in the cause, and the report of Cour. Remington of the sale of the lands in the bill and proceedings mentioned, and it appearing that said report was duly filed for a period of more than ten days before the sitting of this Court and is unexcepted to, and was argued by counsel. On consideration whereof it is adjudged, ordered and decreed that said report and sale be confirmed. And this cause is continued.



N. S. Reason,

02. } Decm no. 2

E. S. Max

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Build Page 19142  
C. O. B. No 3  
Galsotjatt C.

East  
H. K. M.  
April 2<sup>nd</sup> 1889



D. S. W. Pennington came -

Dear Sir:

You hold some  
notes on W. H. Max and others given  
you for the purchase of a piece  
of land for the payment of debt  
to D. S. Reaser from me, and the  
said Reaser debt being now  
fully paid, and the balance  
of the money due thereon would be  
coming to me - and as said W. H.  
Max purchased said land in for  
me, I hereby request you to  
surrender said notes to him,  
and you are hereby released  
from any obligation in the  
collection of the same. This  
Sept 5th 1870

E. S. Max



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*L. S. Pease*

21. } *Order*

*L. S. Pease*



D. S. Reason Complt.

vs

E. S. Ware Deft.

} In Chancery.

This cause came on this day to be heard upon the bill of said Complt. and exhibits filed therewith and was argued by counsel. On consideration of all of which and it appearing to the court that process had been duly served upon said Deft. for ~~more~~ a period of more than 15 days before the sitting of this court, and said Deft. failing to appear and plead in said cause, said bill is taken for confessed against him. It is therefore adjudged, ordered and decreed that the said plaintiff recover from said Deft. the sum of two hundred and forty dollars with legal interest thereon from the 12th day of August, 1885 till paid, and the costs of this suit, and for the collection of which or any part thereof execution may issue. It is further ordered, adjudged and decreed that if said Deft. or some one for him does not pay said sum, its interest and the costs of this suit within 30 days after the rising of this court, then E. H. Cunningham who is hereby appointed a special commr. for the purpose, on some court day at the front door of the court house of Du County, at public outcry and to the highest bidder, will proceed to sell said land in the bill



and proceedings mentioned on a credit of six, twelve, and eighteen months, except a sum sufficient to pay the costs of suit and commissions of sale he will require to be paid down, and the moneys he will take notes payable to himself or such commissioners with approved personal security. But before proceeding to make said sale, said Court will post or cause to be posted written or printed notices, setting forth the time, terms and place of said sale, at the front door of the Court-house, in the neighborhood of said land and at such other places as said Court may think proper, at least thirty days before the day of sale. And Before proceeding to execute the terms of this decree said Remingtons shall execute before the clerk of this Court bond in the penalty of \$400<sup>00</sup> conditioned to faithfully discharge the duties of Commissioner in this cause. And this cause is continued

S. J. Kassar

~~Dec 24~~  
 Dec 25  
 no. 1.

2. Mark

Entered Dec. 6. 1888

Chas. D. 171

Wm. B. Bryant & Co.

Visited the Green

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24. 10. 11



D. S. Reason

vs.

E. S. Hay

} In Chancery.

To the Hon. H. S. K. Morrison, Judge of the  
Circuit Court of Lin Co., Va.

The undersigned having been, by de-  
cree entered in said cause on the 6th day of Dec., 1888,  
appointed a special Commissioner to sell the lands of  
the said debt mentioned in the bill and pro-  
ceedings of said cause or so much thereof  
as was necessary to pay the amount of the judg-  
ment and costs &c in said cause, begs  
leave to report that in pursuance to and  
in obedience with said decretal order, he  
fully and fairly advertised the time, terms  
and place of sale for the time and at  
the places as mentioned in said decree,  
and in pursuance with said decree and after  
the said land had been duly advertised as  
aforesaid, on the 5th day of Feb., 1889 that  
being court day, he offered the same  
for sale at the front door of the Court-  
house of Lin County, in the manner  
and on the terms as provided in said de-  
cree. There was a very large crowd in at-  
tendance while this sale was being made.  
H. H. Hay became the last, highest and  
best bidder for the whole of said tract of  
land at the price of \$435<sup>00</sup> and thereupon  
the same was knocked off to him. Said Hay  
as was required by said decree paid your  
court. \$61<sup>00</sup> which overpaid said costs  
& commissions of sale \$17<sup>00</sup>. The costs your  
court. immediately paid out to those to whom  
it was due, and the \$17<sup>00</sup> he remitted



to T. S. Pearson as a Credit on his judgment  
against the said E. S. Max. Said Max ex-  
ecuted to your Court. three notes with J.  
P. Graham, H. B. Myers, George Criden and T. J.  
Ely as sureties for \$129.33 each and  
due in 6, 12 & 18 Months from the date  
of sale, and bearing legal interest from  
that date.

Your Court. is of the opinion  
that this tract of land sold well and  
is informed that H. H. Max bought the  
same for his brother E. S. Max the debt  
in this cause. Hence this sale is re-  
commended to be confirmed. All of which  
is respectfully submitted.

E. H. Pennington  
Commissioner

T. S. Pearson

Court Report  
of  
Sale of Land

E. S. Max.

Filed Feb 21<sup>st</sup> 1887

Sept 21<sup>st</sup> 1887



1 D. J. Benson

2 or

3 E. S. May

} In Chancery.

4 To the Hon. H. S. H. Morris Judge of  
5 Circuit Court for Lin Co.

6 Your undersigned court. in the  
7 above styled cause begs leave to report  
8 that he has made a deed to E. S. May  
9 assignee of Wm H. May the purchaser of  
10 the land in the bill & proceedings mentioned  
11 And thereupon recommended a confirmation  
12 of the same. All of which is respectfully  
13 submitted.

14 E. W. Pennington court.



D. S. Pearson

vs } Report of  
      } Dec 2 of

E. S. May

Filed Nov. 15<sup>th</sup> 1870,  
J. A. S. Hyatt ©



To the Hon. H. S. K. Morrison, Judge of the  
Circuit Court for La County:

I hereby certify that - The  
land purchased in the chancery cause of  
D. S. Pearson vs. E. S. Max by me and report-  
ed as purchased by me by cause - Ben-  
nington, was purchased for the said  
E. S. Max, and that I now have no  
interest in the same, and desire  
that a deed be made to said E. S.  
Max, if any is necessary to be made.  
Given under my hand this Sept 5<sup>th</sup> 1890

E. S. Max



E. S. Pearson

W. J. { Release

E. S. Pearson



# Calculations

For

L. S. Reason v. Hax

Am't of note due Aug 12/85

240 00

Int thereon to Sept 2nd/89.

57 60

Let by check \$17 Feb 5/89 \$50 Sept 2/89

297 60

Int on \$230.60 from Sept 2/89 to Oct 8/89

23 96

Let by check Oct 8/89 - Paid Th. H. J. R.

23 18

Int on \$171.85 from Oct 8/89 to Mar 4/90

17 18

Let by check Mar 4/90

17 18

Bal. due March 4/90

\$ 76 15

Int on same to Sept 2/90

2 53

Let by M. C. Parsons

78 68

Let by L. S. Hax

44 00

34 68

34 70

189  
Sept 2



Calculations



Know all men by these presents  
that we E. W. Pennington &  
are held and firmly bound  
unto the Commonwealth of Virginia in  
the just and full sum of Four Hundred  
Dollars, and for the prompt payment  
thereof unto the said Commonwealth, we  
each bind ourselves heirs &c, and  
we as to this bond waive our homestead  
& all other exemptions, witness our hands  
and seals this 20<sup>th</sup> December 1888.

The Condition of the above obligations  
is such that whereas the above bound  
E. W. Pennington, was, by a decree  
entered on the 6<sup>th</sup> day of December 1888,  
in the Chancery Cause of D. S. Reason  
vs E. S. Wax, appointed a Special  
Commissioner, and therein directed to  
sell certain lands mentioned in said  
Bill, Now therefore should the  
said Pennington faithfully perform  
the duties assigned him, and properly  
account for all sums of money  
he may receive as such Commissioner,  
then this obligation to be void  
otherwise to remain in full force  
& virtue. E. W. Pennington Seal  
J. A. H. H. Seal



L. S. Reaser

Court  
Bond

vs  
G. B. Wax

Filed Dec 20 1888

J. A. Byatt, cc



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*E. S. Wax*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *November* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *him* by

*D. S. Reason*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *10<sup>th</sup>* day of *October* 1888, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



E. H. D.

D. S. Reaser

vs  $\frac{3}{2}$  Spain chcy

E. S. Max

To 1<sup>st</sup> Nov. Rules 1888

Executed by  
delivering and  
office copy of this  
summon to

E. S. Wot nar  
th 3) 1888

R. D. Blomary S. L.